

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Accessible Emergency Information, and)	
Apparatus Requirements for Emergency)	MB Docket No. 12-107
Information and Video Description:)	
Implementation of the Twenty-First Century)	
Communications and Video Accessibility Act)	
of 2010)	

REPLY COMMENTS OF CTIA-THE WIRELESS ASSOCIATION®

CTIA-The Wireless Association® (“CTIA”)^{1/} hereby submits these reply comments in response to the comments filed in the above-captioned proceeding addressing the apparatus requirements for emergency information and video description proposed by the Federal Communications Commission (“Commission” or “FCC”) pursuant to Section 203 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA” or the “Act”).^{2/} CTIA and the wireless industry share the universal goal of providing accessible video services and equipment to all consumers, including individuals who are blind or visually impaired. However, as suggested by the Commission and supported by the record in this proceeding, the scope of the apparatus requirements for video description and emergency information in Section 203 of the CVAA should be limited to those apparatus that are designed

^{1/} CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization includes Commercial Mobile Radio Service providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} See *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Notice of Proposed Rulemaking, MB Docket No. 12-107, FCC 12-142 (rel. Nov. 19, 2012) (“NPRM”); Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.).

to receive and play back the programming that is actually subject to the video description and emergency information requirements. Any overbroad requirements or technical mandates are unnecessary and would hinder the introduction of innovative video programming services in the wireless environment. Accordingly, CTIA respectfully submits that:

- As the Commission proposed in its NPRM, the rules should conclude that the emergency information and video description requirements of Section 203 of the CVAA are limited only to devices designed to receive, play back or record television broadcast services or multichannel video programming distributor (“MVPD”) services.
- The Commission should refrain from adopting an overbroad definition of “apparatus” and should not require the use of text-to-speech technologies in order to ensure the availability of innovative video programming technologies and platforms.

Implementing the Act in a manner consistent with this approach will best ensure that individuals with disabilities have meaningful and timely access to video description and emergency information while cultivating innovation and technological progress in the wireless marketplace.

I. CTIA AGREES WITH COMMENTERS AND THE COMMISSION THAT THE SCOPE OF THE APPARATUS REQUIREMENTS FOR EMERGENCY INFORMATION AND VIDEO DESCRIPTION IS LIMITED TO THOSE DEVICES DESIGNED TO RECEIVE AND PLAY BACK TELEVISION BROADCAST OR MVPD SERVICE

CTIA supports the Commission’s recommendation, echoed in the comments of the Consumer Electronics Association (“CEA”) and the Telecommunications Industry Association (“TIA”), that the requirement that apparatus have the capability to decode and make available emergency information and video description should apply only to apparatus designed to receive

and play back television broadcast services or MVPD services.^{3/} As CEA observes, such an approach would “limit the scope of the apparatus requirements . . . to devices that make available the type of programming that is subject to the Commission’s existing emergency information and video description rules – *i.e.*, devices ‘designed to receive, play back, or record television broadcast services of MVPD services.’”^{4/}

TIA agrees with the logic of this limitation, arguing further that any interpretation should ensure that the definition of apparatus does not result in apparatus requirements that apply to an apparatus that displays IP-delivered video programming.^{5/} The Commission itself has stated that apparatus requirements “would not be triggered by apparatus’ display of IP-delivered video programming that is not part of a television broadcast service or MVPD service.”^{6/} CTIA agrees with this approach.

The American Council of the Blind’s suggestion that “all equipment” including “devices capable of showing video content” should be required to have the capability to show described content as well as emergency information is overbroad.^{7/} There is no reason to require apparatus to support a capability to access information that the device is not designed to receive and display. While the Rehabilitation Engineering Research Center for Wireless Technologies (“Wireless RERC”) asserts that “[m]any video content providers, including some television broadcast stations, now provide some amount of their programming block via IP delivery for

^{3/} See *NPRM* ¶ 18.

^{4/} Comments of the Consumer Electronics Association, MB Docket No. 12-107, at 4 (filed Dec. 18, 2012) (“CEA Comments”).

^{5/} Comments of the Telecommunications Industry Association, MB Docket No. 12-107, at 7 (filed Dec. 18, 2012) (“TIA Comments”).

^{6/} *NPRM* ¶ 30.

^{7/} Comments of the American Council of the Blind, MB Docket No. 12-107, at 4 (filed Dec. 18, 2012) (*emphasis added*).

both computers as well as mobile, wireless devices,” that is inapposite. Video content that is not part of a television broadcast or MVPD service is not subject to the emergency information or video description rules. Wireless RERC’s argument that because “[c]onsumers may not draw a distinction between these services and regular television broadcasts, . . . these services may need to provide emergency information and video description”^{8/} is really a dispute with the limits Congress placed on these requirements in the CVAA, not a rationale for extending apparatus requirements beyond their reasonable scope.

Mobile devices are designed for multiple purposes, including voice, text, and multi-media functions such as gaming, music and video.^{9/} A device designed to receive, play back or record some video content, however, is not the same as one specifically designed to support television broadcast or MVPD services. While many mobile devices can be used for the display of video content and have an installed video player, the vast majority of them are not designed to offer linear broadcast channels/MVPD service, are not marketed as having that ability, and are not used for that purpose.^{10/} Indeed, the technology and capacity that would be required for the latter impose a very different set of demands for a mobile device. Mobile devices support specific video functions that vary according to the unique technical parameters of each device, such as processing power, battery power and screen size.^{11/} It would be arbitrary and capricious for the Commission to require all mobile devices capable of video playback to develop the means of

^{8/} Comments of the Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC), MB Docket No. 12-107, at 13 (filed Dec. 17, 2012) (“Wireless RERC Comments”).

^{9/} See Comments of CTIA – The Wireless Association®, MB Docket No. 11-154, at 4, 12-13 (filed Oct. 18, 2011) (“CTIA IP Captioning Comments”).

^{10/} See *id.* at 13 (reporting that “most Americans are just beginning to adopt video programming over their mobile devices”).

^{11/} See CTIA IP Captioning Comments at 16-17 (noting that “[m]obile devices have a diverse range of power and processing capabilities” and that these limitations affect, among other things, their technical ability to accommodate various video programming file formats and display video content).

passing through a secondary audio channel that may not even be used in the video content the device delivers.

Clarifying the scope of the apparatus rules to exclude devices that are not designed to receive and playback television broadcast or MVPD services would also provide the regulatory certainty necessary to promote innovation in the wireless market.^{12/} Manufacturers cannot invest with confidence in developing new technology and devices without clarity regarding what regulatory obligations will attach to a device that may have incidental video playback capability.^{13/} As CTIA has previously emphasized, implementation of the Act will occur most rapidly and smoothly if all stakeholders, including industry participants and consumers, understand the responsibilities of covered entities under the Act.

II. THERE IS NO NEED TO IMPLEMENT AN OVERBROAD DEFINITION OF COVERED APPARATUS TO ACCOMMODATE FUTURE TECHNOLOGICAL DEVELOPMENTS OR TO REQUIRE TEXT-TO-SPEECH CAPABILITIES

Wireless RERC suggests that the Commission consider extending the scope of the emergency information and video description rules to IPTV; that the Commission study the feasibility of providing emergency information on live IP programs, and that the FCC require the use of TTS technology of a certain caliber to provide emergency information. None of these suggestions comports with the language of the statute or Congressional intent.

^{12/} See TIA Comments at 7 (supporting the Commission’s proposal to limit the scope of the rules and requesting that it “provide additional clarification that an apparatus that does not play linear live video programming is not required to display emergency information”); CEA Comments at 2 (urging the Commission to “adhere closely to the CVAA’s statutory language” as it develops rules for the delivery of emergency information and video description to individuals who are blind or visually impaired).

^{13/} See TIA comments at 4-5 (noting that “[r]egulatory uncertainty is inversely correlated to investment and innovation” and that “the Commission can, by ensuring that it uses a flexible approach moving forward, reduce a major barrier to accessibility – regulatory uncertainty – and . . . increase the availability of emergency information and video description in products and services to disabled populations”).

First, Wireless RERC asserts that because mobile technology is evolving in ways that may increasingly support television broadcast or MVPD-like services in the future and “we may one day live in a world where IP TV is the norm,”^{14/} the Commission should consider extending the video description and emergency information requirements to IP TV and therefore, the rules should cover devices that receive and play back IP TV.^{15/} It is unnecessary, however, for the Commission to implement overbroad regulations because the proposed rules will require any device that is designed to receive and display linear, real-time television broadcast/MVPD services to support the decoding and pass through of video description or emergency information. To the extent that mobile devices evolve to be used in connection with the receipt and delivery of such services, whether or not IP-delivered, they will be subject to the rules already in place.

The Commission need not be concerned that excluding mobile devices, such as smartphones, from the scope of apparatus rules will leave mobile consumers without the ability to receive emergency information. The wireless industry, through the Next Generation Alerting Working Group established by the FCC’s Communications Security, Reliability and Interoperability Council, is already exploring all aspects of next generation alerting.^{16/} In particular, it is evaluating and developing recommendations regarding, among other things, how “receiving platforms (e.g., mobile phone and other wireless devices, broadcast, cable, satellite, laptops, tablets etc.) may best present the transmitted alerts to users.”^{17/} Sweeping wireless

^{14/} See Wireless RERC Comments at 13.

^{15/} *Id.*

^{16/} See Public Safety and Homeland Security Bureau, *CSRIC III Working Group Descriptions and Leadership*, at 2-3 (Nov. 15, 2012), available at <http://transition.fcc.gov/pshs/advisory/csric3/wg-descriptions.pdf>.

^{17/} *Id.* at 2.

devices into the proposed rules would unnecessarily risk delaying innovation and new products entering the market as industry awaits final rules to work their way through the regulatory process. Moreover, if the market should develop such that further modifications to the Commission's rules might be necessary, the Commission can undertake the appropriate proceeding to address the actual problem, rather than trying to anticipate a problem that doesn't yet exist.

Second, Wireless RERC recommends that requirements for emergency information to be included in IP-delivered video be limited to IP video that is being shown live.^{18/} It therefore recommends that “the Commission investigate, via a Public Notice or Notice of Inquiry, the technical feasibility of providing emergency information in both aural and visual formats on *live* IP programs.”^{19/} Wireless RERC suggests that this inquiry should include questions regarding the protocol for integrating emergency information into live IP-programming and “how to identify if the viewing apparatus (i.e. smartphone, laptop, gaming console, PC) is within the geographic boundaries of the emergency in progress.”^{20/} These proposals go beyond the scope of what is necessary or appropriate for the Commission to implement the Act.

Finally, Wireless RERC supports the use of text-to-speech (“TTS”) technologies to provide audio description of emergency information, and asks that the Commission mandate that TTS technology be of a certain caliber.^{21/} As several commenting parties observe, however, using TTS to deliver emergency information would require the device to play an active role in creating the content of the emergency message, rather than being a means of conveying the

^{18/} Wireless RERC Comments at 13.

^{19/} *Id.*

^{20/} *Id.* at 13-14.

^{21/} *Id.* at 9.

information to the user, which would be a radical departure from today's system.^{22/} CTIA agrees with AT&T, CEA, TIA and others that emergency information is properly inserted by the MVPD or broadcaster, and any covered device's function should be solely to have the capability of playing the audible presentation as sent out.

CONCLUSION

CTIA and the wireless industry support the goal of ensuring that all consumers have access to video description and emergency information. However, the scope of the requirement in Section 203 of the CVAA that apparatus have the capability to decode and pass through emergency information and video description is limited to devices that are designed to receive and display television broadcast or MVPD services. Consistent with the comments in this proceeding and Congressional intent, the Commission should clarify this limitation in its rules and refrain from adopting unnecessary and overboard regulations or technical mandates.

^{22/} See, e.g., Comments of AT&T, MB Docket No. 12-107, at 9 (filed Dec. 18, 2012) (“[V]ideo programming providers and video programming owners can most efficiently add aural presentations of emergency information to a broadcast and should be required to do so. In that instance, apparatus need only have the capability of playing the audible presentation sent with the broadcast stream.”); CEA Comments at 11 (explaining that TTS requires a platform-based solution and that “[s]uch a solution will require the participation of video programming distributors and owners as well as equipment manufacturers”); TIA Comments at 6 (noting that a TTS requirement “places an unfair burden on the device manufacturer: to ensure emergency information and video description is available in television and devices[.] Instead a platform-based solution is required in which the required content is added by the program owner or the MVPD or broadcast service provider”).

Respectfully submitted,

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